

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

IMPLICIT LLC,

Plaintiff,

V.

NEC CORPORATION OF AMERICA,

Defendant.

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Case No. 6:16-cv-00078-JRG

ORDER FOR LIMITED DISCOVERY

Before the Court is Plaintiff Implicit, LLC's Motion for Leave to Take Limited Venue Discovery (Dkt. No. 26) (the "Motion"). Having considered the Motion, the Court is of the opinion that limited venue discovery is proportional to the needs of this case. By virtue of Defendant NEC Corporation of America's Motion to Transfer (Dkt. No. 24), the relative convenience of the Northern District of Texas versus the Northern District of California has been put at issue by NEC Corporation of America ("NEC"), and accordingly limited venue discovery is relevant to the issue of whether the Northern District of California or the Northern District of Texas is a more appropriate transferee forum.

It is therefore, **ORDERED** that Plaintiff is hereby allowed and directed to take early and expedited discovery limited to facts relating to venue,

To accomplish same, the Court orders as follows:


- Within ten (10) days from the date of this Order, Plaintiff and NEC are ordered to meet and confer and thereafter file a joint proposed stipulated protective order for jurisdictional discovery. Should there be areas of disagreement between the parties as

to such protective order, the parties shall submit their competing proposals in a side-by-side format within their joint submission, for the Court's consideration and action.

- Plaintiff shall be allowed one three (3) hour deposition of a 30(b)(6) witness for NEC, five (5) interrogatories, and three (3) document requests. Such discovery must be tailored only to venue related issues.
- Plaintiff shall have ten (10) days from the entry of this Order to serve the above interrogatories and document requests and NEC shall have ten (10) days thereafter to make any objections to same. Any dispute concerning this limited discovery shall be presented to the Court in compliance with this Court's Standing Order as to Discovery Disputes.
- Venue discovery shall be completed by the parties no later than thirty (30) days after entry of this Order unless the Court extends such for good cause shown.

Pursuant to Dkt. No. 32, within ten (10) days following the close of such venue discovery, Plaintiff shall file/serve its Response to the Motion to Transfer. The parties may serve and file reply and sur-reply briefs in accordance with Local Rule CV-7(f).

So ORDERED and SIGNED this 20th day of July, 2016.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE